

Stat. 245; Pub. L. 110–81, title II, §212(a), Sept. 14, 2007, 121 Stat. 749.)

REFERENCES IN TEXT

Section 613 of title 18, referred to in subsec. (a)(8), was repealed by Pub. L. 94–283, title II, §201(a), May 11, 1976, 90 Stat. 496.

CODIFICATION

In subsec. (e), “section 2386 of title 18” was in the original “the Act of October 17, 1940 (54 Stat. 1201)”, which had been classified to sections 14 to 17 of title 18. “Section 2386 of title 18” substituted for “sections 14 to 17 of title 18” on authority of act June 25, 1948, ch. 645, 62 Stat. 863, section 1 of which enacted Title 18, Crimes and Criminal Procedure.

PRIOR PROVISIONS

Provisions on this subject were contained in sections 612 and 613 of this title prior to general amendment of act June 8, 1938, by act Apr. 29, 1942.

AMENDMENTS

2007—Subsec. (g). Pub. L. 110–81 added subsec. (g).

1966—Subsec. (a). Pub. L. 89–486, §2(1), struck out requirement for transmittal of registration statements by the Attorney General to the Secretary of State and provision declaring a failure of transmission not to be a bar to prosecutions, now covered in section 616(b) of this title.

Subsec. (a)(3). Pub. L. 89–486, §2(2), struck out “, unless, and to the extent, this requirement is waived in writing by the Attorney General” after “statement of the nature of the work of each” and provided for a statement of the extent to which a foreign principal is supervised, directed, etc., by any other foreign principal.

Subsec. (a)(4), (6). Pub. L. 89–486, §2(3), (4), inserted “, including a detailed statement of any such activity which is a political activity”.

Subsec. (a)(7). Pub. L. 89–486, §2(5), required certain information pertaining to control and financial arrangements with respect to those persons, not themselves foreign principals, who are so related to a foreign principal that their agents when engaged in political activities in the interests of the principal are required to register.

Subsec. (a)(8). Pub. L. 89–486, §2(6), inserted requirement that agent report the money or other things of value spent or disposed of in connection with his becoming the agent of his foreign principal and all political contributions made during the preceding sixty days, other than contributions made on behalf of their principals, such contributions being prohibited under section 613 of title 18.

Subsec. (f). Pub. L. 89–486, §2(7), added subsec. (f).

1950—Subsec. (a). Act Aug. 3, 1950, made failure to register a continuing offense.

1942—Act Apr. 29, 1942, amended section generally.

EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110–81, title II, §212(c), Sept. 14, 2007, 121 Stat. 750, provided that: “The amendments made by this section [amending this section and section 616 of this title] shall take effect on the 90th day after the date of the enactment of this Act [Sept. 14, 2007].”

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89–486 effective ninety days after July 4, 1966, see section 9 of Pub. L. 89–486, set out as a note under section 611 of this title.

EFFECTIVE DATE OF 1942 AMENDMENT

Amendment by act Apr. 29, 1942, effective on the sixtieth day after Apr. 29, 1942, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out act Apr. 29,

1942, see section 3 of act Apr. 29, 1942, set out as a note under section 611 of this title.

FEES FOR NECESSARY EXPENSES OF REGISTRATION UNIT

Pub. L. 102–395, title I, Oct. 6, 1992, 106 Stat. 1831, provided in part that: “In addition, notwithstanding 31 U.S.C. 3302, for fiscal year 1993 and thereafter, the Attorney General shall establish and collect fees to recover necessary expenses of the Registration Unit (to include salaries, supplies, equipment and training) pursuant to the Foreign Agents Registration Act [probably means Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611 et seq.], and shall credit such fees to this appropriation, to remain available until expended.”

§ 613. Exemptions

The requirements of section 612(a) of this title shall not apply to the following agents of foreign principals:

(a) Diplomatic or consular officers

A duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, while said officer is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officer;

(b) Officials of foreign government

Any official of a foreign government, if such government is recognized by the United States, who is not a public-relations counsel, publicity agent, information-service employee, or a citizen of the United States, whose name and status and the character of whose duties as such official are of public record in the Department of State, while said official is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such official;

(c) Staff members of diplomatic or consular officers

Any member of the staff of, or any person employed by, a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, other than a public-relations counsel, publicity agent, or information-service employee, whose name and status and the character of whose duties as such member or employee are of public record in the Department of State, while said member or employee is engaged exclusively in the performance of activities which are recognized by the Department of State as being within the scope of the functions of such member or employee;

(d) Private and nonpolitical activities; solicitation of funds

Any person engaging or agreeing to engage only (1) in private and nonpolitical activities in furtherance of the bona fide trade or commerce of such foreign principal; or (2) in other activities not serving predominantly a foreign interest; or (3) in the soliciting or collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering, if such solicitation or collection of funds and contributions is in accordance with and subject to the provisions of subchapter II of chapter 9 of this title, and such rules and regulations as may be prescribed thereunder;

(e) Religious, scholastic, or scientific pursuits

Any person engaging or agreeing to engage only in activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts;

(f) Defense of foreign government vital to United States defense

Any person, or employee of such person, whose foreign principal is a government of a foreign country the defense of which the President deems vital to the defense of the United States while, (1) such person or employee engages only in activities which are in furtherance of the policies, public interest, or national defense both of such government and of the Government of the United States, and are not intended to conflict with any of the domestic or foreign policies of the Government of the United States, (2) each communication or expression by such person or employee which he intends to, or has reason to believe will, be published, disseminated, or circulated among any section of the public, or portion thereof, within the United States, is a part of such activities and is believed by such person to be truthful and accurate and the identity of such person as an agent of such foreign principal is disclosed therein, and (3) such government of a foreign country furnishes to the Secretary of State for transmittal to, and retention for the duration of this subchapter by, the Attorney General such information as to the identity and activities of such person or employee at such times as the Attorney General may require. Upon notice to the Government of which such person is an agent or to such person or employee, the Attorney General, having due regard for the public interest and national defense, may, with the approval of the Secretary of State, and shall, at the request of the Secretary of State, terminate in whole or in part the exemption herein of any such person or employee;

(g) Persons qualified to practice law

Any person qualified to practice law, insofar as he engages or agrees to engage in the legal representation of a disclosed foreign principal before any court of law or any agency of the Government of the United States: *Provided*, That for the purposes of this subsection legal representation does not include attempts to influence or persuade agency personnel or officials other than in the course of judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.

(h) Agents of foreign principals

Any agent of a person described in section 611(b)(2) of this title or an entity described in section 611(b)(3) of this title if the agent has engaged in lobbying activities and has registered under the Lobbying Disclosure Act of 1995 [2 U.S.C. 1601 et seq.] in connection with the agent's representation of such person or entity. (June 8, 1938, ch. 327, § 3, 52 Stat. 632; Aug. 7, 1939, ch. 521, § 2, 53 Stat. 1245; Apr. 29, 1942, ch. 263, § 1, 56 Stat. 254; Pub. L. 87-366, § 2, Oct. 4, 1961, 75 Stat. 784; Pub. L. 89-486, § 3, July 4, 1966, 80 Stat.

246; Pub. L. 104-65, § 9(2), (3), Dec. 19, 1995, 109 Stat. 700; Pub. L. 105-166, § 5, Apr. 6, 1998, 112 Stat. 39.)

REFERENCES IN TEXT

The Lobbying Disclosure Act of 1995, referred to in subsec. (h), is Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, which is classified principally to chapter 26 (§1601 et seq.) of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 2 and Tables.

PRIOR PROVISIONS

Prior to general amendment of act June 8, 1938, by act Apr. 29, 1942, section related to additional registration statements after each six months period. Provisions on that subject were incorporated in section 612 of this title by 1942 amendment.

AMENDMENTS

1998—Subsec. (h). Pub. L. 105-166 substituted “has engaged in lobbying activities and has registered” for “is required to register and does register”.

1995—Subsec. (g). Pub. L. 104-65, § 9(2), substituted “judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record” for “established agency proceedings, whether formal or informal”.

Subsec. (h). Pub. L. 104-65, § 9(3), added subsec. (h).

1966—Subsec. (d). Pub. L. 89-486, § 3(a), designated existing provisions as cls. (1) and (3), struck out “financial or mercantile” before “activities” in cl. (1), and inserted the cl. (2) exemption of any person engaging or agreeing to engage in other activities not serving predominantly a foreign interest.

Subsec. (g). Pub. L. 89-486, § 3(b), added subsec. (g).

1961—Subsec. (d). Pub. L. 87-366 substituted “private and nonpolitical financial or mercantile activities in furtherance” for “private, non-political, financial, mercantile, or other activities in furtherance”.

1942—Act Apr. 29, 1942, amended section generally.

1939—Act Aug. 7, 1939, amended section generally.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-65 effective Jan. 1, 1996, except as otherwise provided, see section 24 of Pub. L. 104-65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-486 effective ninety days after July 4, 1966, see section 9 of Pub. L. 89-486, set out as a note under section 611 of this title.

EFFECTIVE DATE OF 1942 AMENDMENT

Amendment by act Apr. 29, 1942, effective on the sixtieth day after Apr. 29, 1942, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out act Apr. 29, 1942, see section 3 of act Apr. 29, 1942, set out as a note under section 611 of this title.

§ 614. Filing and labeling of political propaganda**(a) Copies to Attorney General; statement as to places, times, and extent of transmission**

Every person within the United States who is an agent of a foreign principal and required to register under the provisions of this subchapter and who transmits or causes to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce any informational materials for or in the interests of such foreign principal (i) in the form of prints, or (ii) in any other form which is rea-